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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AYLUS NETWORKS, INC., a Delaware
corporation,

Plaintiff,

v.

APPLE INC., a California corporation

Defendant.

CASE NO. 3:13-cv-04700-EMC

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Tutorial Hearing Date: Oct. 14, 2014
Tutorial Hearing Time: 2:30 p.m.
Markman Hearing Date: Oct. 27, 2014
Markman Hearing Time: 2:30 p.m.
Judge: Hon. Edward M. Chen
Courtroom: 5, 17th floor

Pursuant to Patent L.R. 4-3, Plaintiff Aylus Networks, Inc. (“Aylus”) and Defendant Apple Inc. (“Apple”) hereby submit this Joint Claim Construction and Prehearing Statement concerning U.S. Patent No. RE44,412 (hereinafter, the “412 patent”).

I. PATENT L.R. 4-3(a): AGREED CONSTRUCTIONS

Constructions of terms on which the parties agree are provided in Appendix A.

II. PATENT L.R. 4-3(b): PROPOSED CONSTRUCTIONS OF DISPUTED TERMS

Each party’s proposed constructions of disputed terms, together with an identification of intrinsic and extrinsic evidence, are provided in Appendix B.

III. PATENT L.R. 4-3(c): TEN MOST SIGNIFICANT DISPUTED CLAIM TERMS FOR CONSTRUCTION

The parties identify the following ten claim terms as the most significant at this time to resolution of the case:

1. “wide area network”
2. “remote from the UE”
3. “VCR controls”
4. “video play controls”
5. “handset”
6. “negotiate media content delivery between the MS and the MR”
7. “resides in the signaling domain”
8. “cooperate with [network control point/the serving node] CP logic”
9. “the CP logic ... serves as a [first/second] proxy”
10. “serving node”

Aylus has designated term nos. 1-5 as being most significant, and Apple has designated term nos. 6-10 as being most significant. Apple believes that the construction of terms nos. 6-10 above will be case dispositive, that construction of term no. 3 (“VCR controls”) will be claim dispositive, and that construction of term no. 5 (“handset”) will be claim dispositive with respect to certain accused products. As discussed in Section IV below, Apple also believes that two

1 additional terms, “control point (CP) logic” and “media renderer (MR),” would be case
2 dispositive if construed by the Court.

3 **IV. PATENT L.R. 4-3(d): ANTICIPATED LENGTH OF CLAIM CONSTRUCTION** 4 **HEARING**

5 The Court’s case management schedule includes a tutorial on October 14, 2014 beginning
6 at 2:30 p.m. PT, and a claim construction on October 27, 2014 beginning at 2:30 p.m. PT. *See*
7 Dkt. No. 30. Aylus requests two hours (one hour per side) for the tutorial. Apple requests one
8 hour (thirty minutes per side) for the tutorial. Aylus requests that the Court allocate two hours for
9 the claim construction hearing and Apple requests that the Court allocate two and a half hours for
10 the claim construction hearing.

11 **V. PATENT L.R. 4-3(e): WHETHER ANY PARTY PROPOSES TO CALL ONE OR** 12 **MORE WITNESSES AT THE CLAIM CONSTRUCTION HEARING, AND** 13 **SUMMARIES OF TESTIMONY**

14 The parties anticipate and have agreed that no witnesses will be called at the claim
15 construction hearing.

16 **Apple:** Apple may reference declarations of experts or other third parties. Contrary to
17 Aylus’s position, Apple complied with Patent Local Rule 4-2(b) by specifically identifying the
18 proposed experts and third parties and identifying a description of their proposed testimony.

19 **Aylus:** Aylus objects to Apple’s statements that it may rely on declarations from fact and
20 expert witnesses regarding claim construction. Under Patent Local Rule 4-2(b), a party must
21 include “the substance” of any proposed witness’s testimony in its Patent Local Rule 4-2
22 disclosure. Apple’s statement—which merely enumerates the general categories of information to
23 be included in a declaration—fails to meet this requirement.

24 **VI. ADDITIONAL ISSUES**

25 In addition to the above 10 terms that the parties have selected for construction, Apple
26 requests that the Court construe two additional terms, “control point (CP) logic” and “media
27 renderer (MR).” Apple believes that construction of each of these two additional terms will be
28 case dispositive.

1 Aylus objects to Apple's labeling of references the examiner failed to consider as intrinsic
 2 evidence, instead of as extrinsic evidence, in Appendix B. This is a direct violation of Federal
 3 Circuit law. *See, e.g., Tate Access Floors, Inc. v. Interface Architectural Resources, Inc.*, 279
 4 F.3d 1357, 1372 (Fed. Cir. 2002) ("Prior art the examiner failed to consider is extrinsic.").

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6
7
8
9 Respectfully submitted,

10 Dated: July 28, 2014

DLA PIPER LLP (US)

11
12 By: /s/ Mark D. Fowler

13 MARK D. FOWLER
 14 CHRISTINE K. CORBETT
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 16 ROBERT WILLIAMS
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 18 JONATHAN HICKS
 Attorneys for Defendant
 Apple Inc.

19 Dated: July 28, 2014

QUINN EMANUEL URQUHART &
 SULLIVAN, LLP

20 By: /s/ Amar L. Thakur

21 HAROLD A. BARZA
 22 AMAR L. THAKUR
 23 VINCENT POLLMEIER
 Attorneys for Plaintiff
 Aylus Networks, Inc.

ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I, William O. Cooper, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of July, 2014, in San Francisco, California.

By: /s/ William O. Cooper
William O. Cooper

APPENDIX A

<u>Claim Term</u>	<u>Agreed-Upon Construction</u>
“media content”	Plain and ordinary meaning
“logic”	Plain and ordinary meaning

APPENDIX B

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
<p>“wide area network”</p> <p>(Claims 1, 20)</p>	<p>An electronic communication network that connects nodes in a large geographical area.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to “network,” including “local area network,” are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the ‘753 patent, including cols. 5:35-52; 17:7-32; 17:60-63; 18:32-41 Figures 1, 4, 6, 10-13, 17</p> <p>The prosecution history of the ‘753 patent, including 2/19/2009 Office Action 8/19/2009 Amendment and Remarks 12/22/2009 Examiner's Amendment The prosecution history of the ‘412 patent, including</p>	<p>Plain and ordinary meaning.</p> <p>Evidence:</p> <p>Intrinsic: 5:35-49; 17:7-35; 17:60-63; 18:32-41, Figs. 11-12.</p> <p>Extrinsic: Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of</p>

¹ For all claim terms, the parties reserve the right to rely on the sections of intrinsic evidence cited by the other party. Citations are exemplary only and the parties reserve the right to rely on the entirety of a cited document, including figures cited therein.

² Apple reserves the right to assert that any piece of evidence categorized as “intrinsic” herein is extrinsic evidence if the Court should conclude that it is not intrinsic evidence.

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>9/14/2011 Amendment to Claims and Remarks</p> <p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p> <p>2/6/2009 Amendments and Remarks</p> <p>4/21/2009 Office Action</p> <p>8/3/2009 Amendments and Remarks</p> <p>9/23/2009 Office Action</p> <p>3/30/2010 Amendment and Remarks</p> <p>6/18/2010 Office Action</p> <p>Extrinsic:</p> <p>Dictionary of Computing & Communications (2003) at 409</p>	<p>Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>Random House Webster's Dictionary (2001) at 820 Webster's New World Computer Dictionary (2003) at 389 Oxford Dictionaries Online (2014) ("Wide Area Network" and "Network")</p>	
<p>"remote from the UE" (Claim 15)</p>	<p>Not located on the same electronic communication network that connects devices in a small geographic area as the UE.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "network" or "UE" are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 1:34-37; 2:64-3:11; 3:42-4:14; 5:49-6:42; 6:56-8:9; 8:35-61; 9:31-47; 10:12-30; 10:50-11:42; 11:62-12:4; 12:47-14:40; 15:4-15:45; 16:1-36; 17:50-59; 18:8-13; 18:51-19:5; 21:28-38; 21:56-22:3; 22:60-63; 23:52-54; 24:24-25 Figure 4, 6, 8-17 The prosecution history of the '753 patent, including 2/19/2009 Office Action 8/19/2009 Amendment and Remarks 12/22/2009 Examiner's Amendment The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p>	<p>Plain and ordinary meaning.</p> <p>Evidence:</p> <p>Intrinsic: Figs. 11-12, 16; 6:4-42.</p> <p>Extrinsic: Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>2/13/2012 Office Action 3/22/2012 Office Action. 9/21/2012 Amendments and Remarks 2/22/2013 Amendments to Claims 3/14/2013 Notice of Allowability The prosecution history of application no. 11/166,407, including the full specification, including all figures 3/8/2010 Amendments and Remarks 8/21/2009 Office Action The prosecution history of application no. 11/282,924, including the full specification, including all figures 7/24/2008 Office Action</p> <p>Extrinsic:</p> <p>Random House Webster's Dictionary (2001) at 610 Merriam Webster Online Dictionary (2014) ("Remote")</p>	<p>knowledge.</p>
<p>"VCR controls"</p> <p>(Claims 1, 15)</p>	<p>Controls for display of video content (e.g., play, pause, rewind, stop buttons).</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "video play controls" or "control" are</p>	<p>Controls for a video cassette recorder (VCR).</p> <p>Evidence:</p> <p>Intrinsic: Abstract; 5:35-6:42; 17:33-40.</p> <p>UPnP AV Architecture:0.83 (APL-</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 5:35-6:3; 6:28-42; 17:33-40 Figures 4, 8, 9, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action 8/19/2009 Amendment and Remarks 12/22/2009 Examiner's Amendment Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks 2/13/2012 Office Action 3/22/2012 Office Action 9/21/2012 Amendments and Remarks 2/22/2013 Amendments to Claims 3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures 3/8/2010 Amendments and Remarks 8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p>	<p>AYLUS_00005017-38) at, e.g., 3-10.</p> <p>AVTransport:1 Service Template Version 1.01 (APL-AYLUS_00001251-1316) at, e.g., 17.</p> <p>Extrinsic: UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>7/24/2008 Office Action 2/6/2009 Amendments and Remarks 4/21/2009 Office Action 8/3/2009 Amendments and Remarks 9/23/2009 Office Action 3/30/2010 Amendment and Remarks 6/18/2010 Office Action</p> <p>Extrinsic:</p> <p>Merriam Webster Online Dictionary (2014) (“Video”) Oxford Dictionaries Online (2014) (“Video”)</p>	
<p>“video play controls” (Claims 20, 27)</p>	<p>Controls for display of video content (e.g., play, pause, rewind, stop buttons).</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to “VCR controls” or “control” are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the ‘412 patent, including cols. 5:35-6:3; 6:28-42; 17:33-40</p>	<p>Plain and ordinary meaning.</p> <p>Evidence:</p> <p>Intrinsic: Abstract; 5:35-6:42; 17:33-40.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-10.</p> <p>AVTransport:1 Service Template Version 1.01 (APL-AYLUS_00001251-1316) at, e.g., 17.</p> <p>Extrinsic: UPnP Design by Example (APL-AYLUS_00005076-</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>Figures 4, 8, 9, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p> <p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p> <p>Extrinsic:</p> <p>Merriam Webster Online Dictionary (2014) ("Video" and "Play")</p> <p>Oxford Dictionaries Online (2014) ("Video")</p>	<p>564) at, e.g., Ch. 17.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>
<p>"handset"</p> <p>(Claims 5-6, 13-14, 33)</p>	<p>A wireless handheld communication device that supports radio access technology (e.g., Wi-Fi, GSM, CDMA).</p> <p>Evidence:</p>	<p>A mobile phone capable of making and receiving calls over the Public Switched Telephone Network.</p> <p>Evidence:</p> <p>Intrinsic:</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>All citations made by Aylus in this Appendix B related to "UE" or "personal agent" are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 1:39-45; 2:25-31; 2:64-3:11; 3:42-44; 4:37-5:31; 5:35-48; 6:12-14; 6:25-31; 7:24-28; 9:48-57; 9:64-67; 10:7-13; 10:19-21; 10:31-35; 10:44-58; 12:11-15; 12:53-57; 12:65-13:9; 14:41-15:49; 16:66-17:3; 17:7-19; 17:25-40; 17:60-18:7; 18:32-34; 18:44-47; 20:46-54; 22:27-30; 22:52-59; 23:64-24:4</p> <p>Figures 2, 4, 8-12, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p> <p>12/22/2009 Examiner's Amendment</p> <p>Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p> <p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p>	<p>1:39-45; 2:25-31; 2:64-67; 3:42-44; 4:32-5:31; 5:35-6:42; 7:16-36; 9:48-57; 10:7-18; 12:11-15; 12:47-13:12; 14:41-15:44; 16:66-17:32; 17:60-63; 18:1-7; 18:32-50; 20:43-53; 22:22-30; 22:52-59; 23:64-24:4.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 6.</p> <p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076 564) at, e.g., 7, 70.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p> <p>2/6/2009 Amendments and Remarks</p> <p>4/21/2009 Office Action</p> <p>8/3/2009 Amendments and Remarks</p> <p>9/23/2009 Office Action</p> <p>3/30/2010 Amendment and Remarks</p> <p>6/18/2010 Office Action</p>	
<p>“serving node” (Apple)</p> <p>(Claims 1, 7, 11, 15, 20, 27, 32)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>A serving element in the wide area network.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to “network” are incorporated herein by reference.</p>	<p>A node configured to establish an IMS session with the UE.</p> <p>Evidence:</p> <p>Intrinsic:</p> <p>Abstract; Figs. 4, 6, 10, 14-16; 3:25; 5:35-42; 5:49-6:3; 6:4-42; 7:37-40; 7:48-67; 8:10-29; 8:46-9:8; 10:7-18; 10:31-40; 10:50-59; 11:43-52; 12:11-23; 13:11-42; 13:51-63; 14:28-40; 15:53-55; 17:60-63; 20:43-53; 21:48-55; 21:48-22:3; 22:18-21; 22:41-62; 23:1-3; 23:18 23; 23:27-38; 23:52-54.</p> <p>Application No. 11/282,924 at Fig. 14.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 5:37-55; 6:14-36; 7:37-8:9; 8:19-22; 8:46-48; 10:12-18; 10:31-40; 10:56-58; 11:43-52; 12:11-23; 13:18-25; 13:30-31; 13:39-42; 13:51-63; 14:31-40; 17:60-63; 20:46-53; 21:48-55; 21:58-64; 22:18-21; 22:41-23:3; 23:18-23; 23:27-35; 23:52-54</p> <p>Figures 1-4, 6, 8-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks 12/22/2009 Examiner's Amendment Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p> <p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action.</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p>	<p>Extrinsic:</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>7/24/2008 Office Action 2/6/2009 Amendments and Remarks 4/21/2009 Office Action 8/3/2009 Amendments and Remarks 9/23/2009 Office Action 3/30/2010 Amendment and Remarks 6/18/2010 Office Action</p> <p>Extrinsic:</p> <p>IEEE Dictionary (1996) at 688-89 The Telecommunications Fact Book and Illustrated Dictionary (2006) at 130 Dictionary of Telecommunications (1981) at 179 The Telecommunications Illustrated Dictionary (2002) at 678 Webster's New World Telecom Dictionary (2008) at 338 Hargrave's Communications Dictionary (2001) at 355 Dictionary of Computing & Communications (2003) at 252 Oxford Dictionaries Online (2014) ("Node") Webster's New World Computer Dictionary (2003) at 257</p>	
"the CP logic ... serves as a [first/second] proxy"	Plain and ordinary meaning.	The CP logic accepts control messages from the CPP and passes them on to the MS or MR

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
(Claims 1, 20, 27)	<p>Alternative construction:</p> <p>The control point logic acts as an authorized actor.</p> <p>Evidence:</p> <p>All citations related to “CP logic” or “proxy” are incorporated by reference herein.</p> <p>Intrinsic:</p> <p>The specification of the ‘412 patent, including cols. 2:61-67; 3:31-32; 3:45-57; 5:35-6:43; 6:63-67; 13:30-14:15; 15:50-16:42; 16:54-18:13; 19:23-25; 19:66-67; 20:23-30; 21:14-27; 22:22-30.</p> <p>Figures 1, 2, 4, 8-12, 14-17.</p> <p>The prosecution history of the ‘753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p> <p>12/22/2009 Examiner’s Amendment</p> <p>Proxy: AYL0001285-1308</p> <p>The prosecution history of the ‘412 patent, including 9/14/2011 Amendment to Claims and Remarks</p> <p>3/22/2012 Office Action</p> <p>2/13/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p>	<p>Evidence:</p> <p>Intrinsic:</p> <p>Abstract; Figs. 2, 11-12; 2:61-67; 3:25-41; 3:45-57; 5:35 6:42; 13:30-42; 15:50-67; 16:33-42; 17:25-32; 19:22-33; 19:66-67; 20:23-34; 21:14-27; 22:22-30.</p> <p>’753 patent file history, Mar. 25, 2009 Non-Final Rejection at 3-4 (“A process that accepts requests for some service and passes them on to the real server”).</p> <p>’753 patent file history, Mar. 25, 2009 Notice of References Cited.</p> <p>Dictionary.com definition of “proxy.” (See ’753 patent file history at Mar. 25, 2009 Notice of References Cited.) (APL-AYLUS_00099192-96.)</p> <p>Extrinsic:</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple’s proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas</p>

<u>Claim Term¹</u>	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence²</u>
	<p>3/14/2013 Notice of Allowability The prosecution history of application no. 11/166,407, including the full specification, including all figures 3/8/2010 Amendments and Remarks The prosecution history of application no. 11/282,924, including the full specification, including all figures 8/3/2009 Amendments and Remarks</p> <p>Extrinsic:</p> <p>McGraw-Hill Illustrated Telecom Dictionary at 470 The Telecommunications Illustrated Dictionary (2002) at 749 Webster's New World Telecom Dictionary (2008) at 393 Hargrave's Communications Dictionary (2001) at 413 Merriam Webster Online Dictionary (2014) ("Proxy") Oxford Dictionaries Online (2014) ("Proxy") Dictionary of Computing & Communications (2003) at 74 and 75 Merriam Webster Online Dictionary (2014) ("Control") Oxford Dictionaries Online (2014) ("Control") Random House Webster's Dictionary (2001) at 155</p>	<p>Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term¹</u>	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence²</u>
<p>"the CPP logic ... serves as a [first/second] proxy"</p> <p>(Claims 1, 20)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>The control point proxy logic acts as an authorized actor.</p> <p>Evidence:</p> <p>All citations related to "CP," "logic," or "proxy" are incorporated by reference herein.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 2:61-67; 3:31-32; 3:45-57; 5:35-6:43; 6:63-67; 13:30-14:15; 15:50-16:42; 16:32-18:13; 17:7-18:13; 18:42-50; 19:23-25; 19:66-67; 20:23-30; 21:14-27; 22:22-30.</p> <p>Figures 1, 2, 4, 8-12, 14-17.</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action 8/19/2009 Amendment and Remarks 12/22/2009 Examiner's Amendment Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks 2/13/2012 Office Action</p>	<p>The CPP logic accepts requests for media content from the user and passes them on to the CP</p> <p>Evidence:</p> <p>Intrinsic: Abstract; Figs. 2, 11-12; 2:61-67; 3:25-41; 3:45-57; 5:35-6:42; 13:30-42; 15:50-67; 16:33-42; 17:25-32; 19:22-33; 19:66-67; 20:23-34; 21:14-27; 22:22-30.</p> <p>'753 patent file history, Mar. 25, 2009 Non-Final Rejection at 3-4 ("A process that accepts requests for some service and passes them on to the real server").</p> <p>'753 patent file history, Mar. 25, 2009 Notice of References Cited.</p> <p>Dictionary.com definition of "proxy." (See '753 patent file history at Mar. 25, 2009 Notice of References Cited.) (APL-AYLUS_00099192-96.)</p> <p>Extrinsic: Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>3/22/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>8/3/2009 Amendments and Remarks</p> <p>Extrinsic:</p> <p>McGraw-Hill Illustrated Telecom Dictionary at 470</p> <p>The Telecommunications Illustrated Dictionary (2002) at 749</p> <p>Webster's New World Telecom Dictionary (2008) at 393</p> <p>Hargrave's Communications Dictionary (2001) at 413</p> <p>Merriam Webster Online Dictionary (2014) ("Proxy")</p> <p>Oxford Dictionaries Online (2014) ("Proxy")</p> <p>Dictionary of Computing & Communications (2003) at 74 and 75</p> <p>Merriam Webster Online Dictionary (2014)</p>	<p>more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term¹</u>	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence²</u>
	<p>("Control")</p> <p>Oxford Dictionaries Online (2014) ("Control")</p> <p>Random House Webster's Dictionary (2001) at 155</p>	
<p>"negotiate media content delivery between the MS and the MR"</p> <p>(Claims 1, 2, 4, 20-21, 23, 27)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>Coordinate transport of audiovisual content from the MS to the MR.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "negotiate," "media content," "media server," or "media renderer" are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 4:9-6:12; 6:35-42</p> <p>Figures 3-10, 12-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p> <p>12/22/2009 Examiner's Amendment</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p>	<p>Compare transfer protocols and content formats supported by each of the MS and MR to select a transfer protocol and content format supported by both, and instruct the MS and MR to transfer media content between them using the selected transfer protocol and data format</p> <p>Evidence:</p> <p>Intrinsic:</p> <p>Abstract; Figs. 11-12, 15; 5:35-6:42; 13:64-14:7; 16:14; 17:41-59; 18:8-13; 24:15-17.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6, 9-11.</p> <p>MediaServer:1 Device Template Version 1.01 (APL-AYLUS_00003608-19) at, e.g., 5-8.</p> <p>MediaRenderer:1 Device Template Version 1.01 (APL AYLUS_0003584-95) at, e.g., 5-8.</p> <p>ConnectionManager:1 Service Template Version 1.01 (APL-AYLUS_00001806-30) at, e.g., 4, 12-15.</p> <p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p>

<u>Claim Term¹</u>	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence²</u>
	<p>9/21/2012 Amendments and Remarks 3/14/2013 Notice of Allowability The prosecution history of application no. 11/166,407, including the full specification, including all figures 3/8/2010 Amendments and Remarks 8/21/2009 Office Action The prosecution history of application no. 11/282,924, including the full specification, including all figures 8/3/2009 Amendments and Remarks</p> <p>Extrinsic:</p> <p>The Telecommunications Fact Book and Illustrated Dictionary (2006) at 168 Oxford Dictionaries Online (2014) ("Negotiate" and "Server")</p>	<p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>
<p>"cooperate with (CP) logic to negotiate media content delivery between the MS and the MR" / "cooperate with the [network/serving node] CP logic"</p> <p>(Claims 1, 20, 27)</p>	<p>Plain and ordinary meaning. Alternative construction:</p> <p>Work with CP logic to coordinate transport of audiovisual content from the MS to the MR.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B</p>	<p>The CPP logic communicates with one of the MS and MR, and the CP logic communicates with the other of the MS and MR</p> <p>Evidence:</p> <p>Intrinsic: Abstract; Figs. 11-12; 5:35-6:42; 13:64-14:7; 17:41-59; 18:8-13; 24:15-17.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>related to “CP,” “logic,” “network,” “control,” “negotiate,” “media content,” “media server,” “media renderer,” or “serving node” are incorporated herein by reference.</p> <p>Intrinsic: The specification of the ‘412 patent, including cols. 5:35-6:43; 6:63-67; 13:30-14:15; 15:50-16:42; 16:54-18:13; 19:66-67; 20:23-30; 21:14-27; 22:22-30 Figures 3-10, 12-17 The prosecution history of the ‘753 patent, including 2/19/2009 Office Action 12/22/2009 Examiner’s Amendment The prosecution history of the ‘412 patent, including 9/14/2011 Amendment to Claims and Remarks 9/21/2012 Amendments and Remarks 3/14/2013 Notice of Allowability The prosecution history of application no. 11/166,407, including the full specification, including all figures 8/21/2009 Office Action The prosecution history of application no. 11/282,924, including the full specification, including all figures 7/24/2008 Office Action</p> <p>Extrinsic:</p>	<p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6, 9-11.</p> <p>MediaServer:1 Device Template Version 1.01 (APL-AYLUS_00003608-19) at, e.g., 5-8.</p> <p>MediaRenderer:1 Device Template Version 1.01 (APL-AYLUS_0003584-95) at, e.g., 5-8.</p> <p>ConnectionManager:1 Service Template Version 1.01 (APL-AYLUS_00001806-30) at, e.g., 4, 12-15.</p> <p>Extrinsic: UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple’s proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple’s proposed construction based on the claim</p>

<u>Claim Term¹</u>	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence²</u>
	<p>The Telecommunications Fact Book and Illustrated Dictionary (2006) at 130</p> <p>Dictionary of Telecommunications (1981) at 179</p> <p>The Telecommunications Illustrated Dictionary (2002) at 678</p> <p>Webster's New World Telecom Dictionary (2008) at 338</p>	<p>language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>
<p>"resides in the signaling domain"</p> <p>(Claims 1, 20, 27)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>Operates in the signaling domain.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "CP" are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 1:51-59; 2:44-60; 3:45-50; 4:35-54; 6:47-48; 7:28-36; 9:12-17; 12:28-30; 13:25-29; 14:16-40; 18:1-7; 18:24-31; 22:31-36; 23:8-10</p> <p>Figures 1-7, 10-12, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p>	<p>Is involved only in commands and instructions and never receives any media content</p> <p>Evidence:</p> <p>Intrinsic:</p> <p>9:31-47; 11:62-12:10; 13:51-63; 14:28-40; 16:33-42; 18:1-13.</p> <p>'753 patent file history, Applicant's Remarks of August 19, 2009 at, e.g., 7-8.</p> <p>Extrinsic:</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>12/22/2009 Examiner's Amendment Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks 2/13/2012 Office Action 3/22/2012 Office Action 9/21/2012 Amendments and Remarks 2/22/2013 Amendments to Claims 3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures 3/8/2010 Amendments and Remarks 8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures 7/24/2008 Office Action 2/6/2009 Amendments and Remarks 4/21/2009 Office Action 8/3/2009 Amendments and Remarks 9/23/2009 Office Action 3/30/2010 Amendment and Remarks 6/18/2010 Office Action</p> <p>Extrinsic:</p>	<p>more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>IEEE Dictionary (1996) at 988-992</p> <p>The Telecommunications Fact Book and Illustrated Dictionary (2006) at 168</p> <p>Dictionary of Telecommunications (1981) at 249</p> <p>The Telecommunications Illustrated Dictionary (2002) at 270</p> <p>Webster's New World Telecom Dictionary (2008) at 142, 438</p> <p>Hargrave's Communications Dictionary (2001) at 168, 469, 471</p> <p>Dictionary of Computing & Communications (2003) at 109, 343</p> <p>Merriam Webster Online Dictionary (2014) ("Reside," "Signal," and "Domain")</p> <p>Random House Webster's Dictionary (2001) at 209, 614, 668</p>	
<p>"control point (CP) logic"</p> <p>(Claims 1, 4, 10, 12, 15, 20, 23, 27)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>Control point executable instruction(s).</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "CP" or "logic" are incorporated herein by reference.</p>	<p>Logic configured to invoke services provided by the MS and MR</p> <p>Evidence:</p> <p>Intrinsic: Abstract; Figs. 11-12, 14-16; 5:35-6:42; 13:30-42; 15:50-18:13; 19:22-33; 19:66-67; 20:23-34; 21:14-27; 22:22-30.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6, 9-11.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 5:35-6:43; 6:63-67; 13:30-14:15; 15:50-16:42; 16:54-18:13; 19:66-67; 20:23-30; 21:14-27; 22:22-30</p> <p>Figures 4-8, 10-12, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p> <p>12/22/2009 Examiner's Amendment</p> <p>Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p> <p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p>	<p>MediaServer:1 Device Template Version 1.01 (APL-AYLUS_00003608-19) at, e.g., 5-8.</p> <p>MediaRenderer:1 Device Template Version 1.01 (APL-AYLUS_0003584-95) at, e.g., 5-8.</p> <p>ConnectionManager:1 Service Template Version 1.01 (APL-AYLUS_00001806-30) at, e.g., 4, 12-15.</p> <p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>2/6/2009 Amendments and Remarks 4/21/2009 Office Action 8/3/2009 Amendments and Remarks 9/23/2009 Office Action 3/30/2010 Amendment and Remarks 6/18/2010 Office Action</p> <p>Extrinsic: Dictionary of Computing & Communications (2003) at 74 and 75 Merriam Webster Online Dictionary (2014) ("Control") Oxford Dictionaries Online (2014) ("Control") Random House Webster's Dictionary (2001) at 155</p>	<p>knowledge.</p>
<p>"media renderer"</p> <p>(Claims 1, 2, 4, 6-10, 14-21, 23-29, 31)</p>	<p>Plain and ordinary meaning. Alternative construction: Audiovisual content renderer.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "media" are incorporated herein by reference.</p> <p>Intrinsic:</p>	<p>A device that enumerates the transfer protocols and file formats that it can use to receive content, and that displays the content.</p> <p>Evidence:</p> <p>Intrinsic: Abstract; Figs. 11-12, 14-17; 5:35-6:42; 9:22; 13:43-14:7; 15:4-45; 15:50-16:32; 16:37-17:19; 17:25-32; 17:41-59; 18:8-13; 21:7-13; 22:22-47; 23:4-14; 23:18-23; 23:62-63.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6, 9-11.</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>The specification of the '412 patent, including cols. 5:42-6:42; 13:43-14:7; 15:14-27; 15:36-37; 16:14-17:59; 18:8-13; 18:42-50; 21:7-13; 22:22-47; 23:4-23; 23:62-63</p> <p>Figures 4, 10-12, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks</p> <p>12/22/2009 Examiner's Amendment</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p> <p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p> <p>2/6/2009 Amendments and Remarks</p>	<p>MediaServer:1 Device Template Version 1.01 (APL-AYLUS_00003608-19) at, e.g., 5-8.</p> <p>MediaRenderer:1 Device Template Version 1.01 (APL-AYLUS_0003584-95) at, e.g., 5-8.</p> <p>ConnectionManager:1 Service Template Version 1.01 (APL-AYLUS_00001806-30) at, e.g., 4, 12-15.</p> <p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry</p>

<u>Claim Term</u> ¹	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence</u> ²
	<p>4/21/2009 Office Action 8/3/2009 Amendments and Remarks 9/23/2009 Office Action 3/30/2010 Amendment and Remarks 6/18/2010 Office Action</p>	<p>knowledge.</p>
<p>“media server”</p> <p>(Claims 1, 2, 4, 7, 9-10, 15-21, 23-27, 29, 31)</p>	<p>Plain and ordinary meaning. Alternative construction: Audiovisual content server.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to “media” are incorporated herein by reference.</p> <p>Intrinsic: The specification of the ‘412 patent, including cols. 5:35-6:42; 13:43-14:15; 16:14-17:59; 18:8-13; 21:48-22:3; 22:31-24:29 Figures 1, 4, 6-8, 10, 14-17 The prosecution history of the ‘753 patent, including 2/19/2009 Office Action 8/19/2009 Amendment and Remarks 12/22/2009 Examiner’s Amendment The prosecution history of the ‘412 patent, including 9/14/2011 Amendment to Claims and Remarks</p>	<p>A device that enumerates its available content and the transfer protocols and file formats that it can use to deliver the content</p> <p>Evidence:</p> <p>Intrinsic: Abstract; Figs. 11-12, 14-17; 5:35-6:42; 13:43-14:15; 16:1-17:19; 17:25-32; 17:41-59; 18:8-13; 21:48-55; 22:31-47; 22:60-62; 23:8-10; 23:15-23; 23:44-24:27.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6, 9-11.</p> <p>MediaServer:1 Device Template Version 1.01 (APL-AYLUS_00003608-19) at, e.g., 5-8.</p> <p>MediaRenderer:1 Device Template Version 1.01 (APL-AYLUS_0003584-95) at, e.g., 5-8.</p> <p>ConnectionManager:1 Service Template Version 1.01 (APL-AYLUS_00001806-30) at, e.g., 4, 12-15.</p> <p>CotentDirectory:1 Service Template Version 1.01 (APL-AYLUS_00001831-919) at, e.g., 5.</p>

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	<p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p> <p>2/6/2009 Amendments and Remarks</p> <p>4/21/2009 Office Action</p> <p>8/3/2009 Amendments and Remarks</p> <p>9/23/2009 Office Action</p> <p>3/30/2010 Amendment and Remarks</p> <p>6/18/2010 Office Action</p> <p>Extrinsic:</p> <p>The Telecommunications Fact Book and Illustrated Dictionary (2006) at 168</p> <p>Random House Webster's Dictionary (2001) at 656</p>	<p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

<u>Claim Term¹</u>	<u>Aylus's Proposed Construction and Evidence</u>	<u>Apple's Proposed Construction and Evidence²</u>
<p>"personal agent logic"</p> <p>(Claim 27)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>Executable instruction(s) on the UE.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to "logic" or "UE" are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the '412 patent, including cols. 1:20-23; 2:32-43; 3:67-4:3; 4:17-31; 5:49-6:42; 6:51-52; 6:55; 7:31-36; 7:41-64; 8:1-24; 8:30-45; 8:54-9:8; 9:48-57; 9:67-10:2; 10:7-12; 10:19-30; 10:59-11:7; 11:16-52; 11:52-12:6; 13:36-42; 14-8-15; 14:20-27; 18:8-19; 18:32-34; 18:51-59; 19:6-9; 19:13-20; 22:4-17</p> <p>Figures 1, 2, 4, 7-12, 14-17</p> <p>The prosecution history of the '753 patent, including 2/19/2009 Office Action</p> <p>8/19/2009 Amendment and Remarks 12/22/2009 Examiner's Amendment Proxy: AYL0001285-1308</p> <p>The prosecution history of the '412 patent, including 9/14/2011 Amendment to Claims and Remarks</p>	<p>Logic that searches for networked devices and maintains a list of discovered devices.</p> <p>Evidence:</p> <p>Intrinsic:</p> <p>Figs. 4, 7, 13; 3:25-41; 7:41-47; 10:19-49; 11:16-32; 19:6-20:20; 23:55-61.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6.</p> <p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 5.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnel, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple's proposed construction based on the claim</p>

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	<p>2/13/2012 Office Action</p> <p>3/22/2012 Office Action.</p> <p>9/21/2012 Amendments and Remarks</p> <p>2/22/2013 Amendments to Claims</p> <p>3/14/2013 Notice of Allowability</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures</p> <p>3/8/2010 Amendments and Remarks</p> <p>8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p> <p>7/24/2008 Office Action</p> <p>2/6/2009 Amendments and Remarks</p> <p>4/21/2009 Office Action</p> <p>8/3/2009 Amendments and Remarks</p> <p>9/23/2009 Office Action</p> <p>3/30/2010 Amendment and Remarks</p> <p>6/18/2010 Office Action</p>	<p>language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>
<p>“utilizing the wide area network for control”</p> <p>(Claims 1, 20)</p>	<p>Plain and ordinary meaning.</p> <p>Alternative construction:</p> <p>Utilizing an electronic communication network that connects nodes in a large geographical area for</p>	<p>Using the wide area network's CP logic to control the MS or MR.</p> <p>Evidence:</p> <p>Intrinsic:</p>

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	<p>control.</p> <p>Evidence:</p> <p>All citations made by Aylus in this Appendix B related to “network” or “control” are incorporated herein by reference.</p> <p>Intrinsic:</p> <p>The specification of the ‘412 patent, including cols. 5:35-42; 17:7-32; 17:60-63; 18:32-41. Figures 1-6, 11-17.</p> <p>The prosecution history of the ‘753 patent, including 2/19/2009 Office Action 8/19/2009 Amendment and Remarks 12/22/2009 Examiner’s Amendment</p> <p>The prosecution history of the ‘412 patent, including 9/14/2011 Amendment to Claims and Remarks 9/21/2012 Amendments and Remarks 2/22/2013 Amendments to Claims</p> <p>The prosecution history of application no. 11/166,407, including the full specification, including all figures 8/21/2009 Office Action</p> <p>The prosecution history of application no. 11/282,924, including the full specification, including all figures</p>	<p>Abstract; 2:44-60; 5:35-6:3; 17:7-32; 17:60-63; 18:14-41; 20:11-19, Figs. 11-12.</p> <p>UPnP AV Architecture:0.83 (APL-AYLUS_00005017-38) at, e.g., 3-6, 9-11.</p> <p>Extrinsic:</p> <p>UPnP Design by Example (APL-AYLUS_00005076-564) at, e.g., Ch. 17.</p> <p>See also the evidence cited for “wide area network,” incorporated here by reference.</p> <p>Apple may also present a declaration from Nathaniel Polish, an expert witness. Dr. Polish will testify as to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple’s proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and his industry knowledge.</p> <p>Apple may also present a declaration from one or more of the authors of any evidence cited herein, including but not limited to John Ritchie, Thomas Kuehnelt, Michael Jeronimo, and Jack Weast. Such testimony will relate to the meaning of this claim term to one of ordinary skill in the art and the accuracy of Apple’s proposed construction based on the claim language, specification, file history, prior art references, extrinsic evidence, and industry knowledge.</p>

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	<p>3/30/2010 Amendment and Remarks 6/18/2010 Office Action</p> <p>Extrinsic: Dictionary of Computing & Communications (2003) at 74 and 75 Merriam Webster Online Dictionary (2014) ("Control") Oxford Dictionaries Online (2014) ("Control") Random House Webster's Dictionary (2001) at 155</p>	